IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 22534 of 2004**

Between:

K.Srinivas Rao S/o.Kishan Rao, aged 30 years,
Occu:Contractor, Durshed Village Karimnagar (M)&Dist.

**... PETITIONER**

AND

1 The Station House Officer,
Karimnagar Rural Police Station.
2 M.Chandi Rani W/o.K.Srinivas,
Dureshed Village, Karimnagar Dist.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No.1 in not taking any action as per Law and not arresting the respondent No.2 even though FIR in Crime No.336 of 2004 dt 6-8-2004 registered for offence punishable under section.166 of IPC, is arbitrary, illegal, null and void and consequently direct the respondent no.1 to take necessary action against the respondent no.2, against whom FIR in Crime No.336/2004 dt 6-8-2004 is registered for an offence punishable under section.166 of IPC.

**Counsel for the Petitioner:MR.K.VENUMADHAV**

**Counsel for the Respondent No.1: GP FOR HOME**

**The Court at the admission stage made the following :**

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**O R D E R:**

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The grievance of the petitioner is that the first respondent has not taken any action against the second respondent, though FIR in Crime No.336/2004 has been registered, for an offence punishable under Section 166 of IPC. The petitioner filed a complaint under Section 200 of Cr.P.C., before the Additional Judicial Magistrate of First Class, Karimnagar, against the second respondent, with certain allegations. The learned Magistrate referred the matter to the first respondent, under Section 156(3) of Cr.P.C. Thereafter, the second respondent submitted a report to the trial Court, stating that no case is made out against the second respondent. The first respondent filed a counter affidavit stating in detail the various steps taken by him, on receiving a reference from the trial Court, as well as the result of his investigation.

Once, the matter has been investigated by the police under Section 156(3) of Cr.P.C., and a report is submitted to the Court, which referred the matter, it is for the concerned Court to take stock of the matter. If the complainant is aggrieved by the report submitted by the police, he can certainly file a protest petition. This Court cannot interfere with the matter, at this stage, that too under Article 226 of the Constitution of India.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies, in accordance with the relevant provisions of Criminal Procedure Code, before the appropriate Court. There shall be no order as to costs.

27th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Station House Officer,
Karimnagar Rural Police Station, Karimnagar.

2 Two C.Cs to the Govt.Pleader for Home,

High Court building, Hyderabad (OUT).

3 Two C.D.copies.